

REMARKS**I. Status of the Claims**

Claims 1-168 are currently pending in the application. Of these claims, 44, 57-64, 108, 121-128, 155 and 168 have been withdrawn. By this Amendment, claim 162 has been amended. Applicants believe that these changes introduce no new matter. Entry and consideration of this Amendment are respectfully requested.

II. Objections to the claims

Claim 162 is objected for failing to provide antecedent basis for the term “the database” on line 10. To overcome this objection, Applicants amended this term to “a database”

III. Rejections under 35 U.S.C. §112

The Examiner rejects claims 4, 68, and 132 as being allegedly indefinite for reciting the term “Bluetooth.” Applicants respectfully disagree. Bluetooth describes a well known short-range wireless communications standard. Accordingly, for at least this reasons, Applicants traverse this rejection.

IV. Rejections under 35 U.S.C. §§102 and 103

Claims 1-2, 5-13, 17-20, 25, 35-43, 45-56, 65-66, 69-77, 81-84, 89, 99-107, 109-120, 129-130, 133-139, 141-143, 145, 149-154, and 156-167 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,933,100 to Golding ("Golding"). Applicants traverse this rejection for the following reasons.

These rejected claims include independent claims 1, 35, 37, 40, 45, 51, 52, 65, 99, 101, 104, 109, 115, 116, 129, 149, 151, 156, 162, and 163. Each of these independent claims recites features involving the computation of a novelty index value. As recited in these claims, the novelty index value characterizes how novel it is for a wireless device to occupy a determined location.

Golding involves a system that provides traffic information. In addition, the system of Golding determines routes having minimum travel times. The Examiner asserts in the Office Action that Golding discloses the claimed novelty index value features. For instance, the Examiner states that these features are disclosed by Golding at column 4, line 62. This portion of Golding states that an onboard navigation system monitors the location of an automobile and outputs route segments that have been traversed. Also, the Examiner states that the claimed novelty index features are disclosed by a travel time that is determined by a timer 11 shown in Figure 1 of Golding.

Applicants disagree with the Examiner's assertions. The portions of Golding relied upon by the Examiner do not involve determining how novel it is for a wireless device to occupy a determined location. Rather, these portions of Golding merely involve determining the time it takes for an automobile to travel across a particular route. Moreover, Golding is silent with respect to the novelty or likelihood associated with a device occupying a particular location or traveling along a particular route. Therefore, Golding fails to teach or suggest the novelty index features claimed in the present application.

The Examiner rejects several of the dependent claims under 35 U.S.C. §103 as being allegedly unpatentable in view of Golding and various additional references. In particular, the Examiner states that these additional references disclose the further features of these dependent

claims. However, notwithstanding the merits of these allegations, the additional references fail to overcome the aforementioned deficiencies of Golding.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4013.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4013.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: 12/10/2004

By: John A. Harroun
John A. Harroun
Registration No. 46,339
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101